

ADVISORY OPINION 91-15 [1991-7]

The Ethics Commission has reviewed your request for advice dated April 1, 1991. Your request related the following facts: You are the president of an independent fire corporation operating in Montgomery County. The fire corporation would like to give an employee of the Department of Fire and Rescue Services (DFRS) a \$200 cash award. The award is being given for recent work the firefighter completed in repairing the brakes to a fire truck. The firefighter is regularly assigned by DFRS to the fire corporation that wishes to make the award. According to the senior career officer assigned to that corporation, the firefighter performed this repair work during regularly scheduled work time.

The Ethics Commission concluded that, under the circumstances of this case, the proposed \$200 cash award would amount to a gift, rather than compensation for outside employment.

Under Section 19A-16(b), an employee of a County agency may not accept a gift from a business that is regulated by the department with which the employee is affiliated. The Commission noted that, under Section 19A-4(b), an independent fire corporation is a business for purposes of the Ethics Law; the Commission further noted that this business is regulated by DFRS.

An employee, however, may accept a gift from a regulated business if the gift is exempted under Section 19A-16(b)(6). Paragraph (6) exempts the gift after finding in writing that the gift would not be detrimental to the impartial conduct of the business of a County agency. Under the circumstances of this case, the Commission concluded that this one-time gift of \$200 to the firefighter would not be detrimental to the impartial conduct of the business of DFRS or the County. Accordingly, the firefighter may accept the \$200 cash award.

The Commission trusts that this advice has been responsive to your inquiry. If you have any further questions regarding this matter, please do not hesitate to contact the Ethics Commission.

Date of Issue: May 15, 1991